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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/826,383 | 04/19/2004 | Hun-Yang Park | P69617US0 | 9715 |
| 43569 | 7590 | 01/30/2006 | EXAMINER | |
| MAYER, BROWN, ROWE & MAW LLP 1909 K STREET, N.W. WASHINGTON, DC 20006 | | | DANG, HUNG XUAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2873 | |

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------|--------------------------------------|---------------------------------------|--|
| Advisory Action | Application No. 10/826,383 | Applicant(s) PARK, HUN-YANG | |
| | Examiner Hung X. Dang | Art Unit 2873 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continue sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

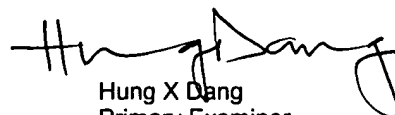
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


 Hung X. Dang
 Primary Examiner
 Art Unit: 2873

Continuation of 2. NOTE:

Applicant argued that "Although the Office Action, on page 4, alleges that Huang discloses a connection bar 126 mounted to upper portions of the main lens rims 143 by members 1266 and 1442, Applicants respectfully disagree. Both Huang and Ku teach a connection that is located at a nose piece (See, for example, the figures in both Huang and Ku). Neither reference teaches or suggests that the connection bar is detachably mounted to upper portions of the main frames. Specifically, in Huang, the portion 126 is actually attached to the sides of the lens rim, not the upper portions as recited in claim 1. See, for example, Figure 3. As described by the present invention, by attaching the connection bar to the upper portion of the main frame, the connection is more stable and more reliable than the connection achieved by either the Huang or the Ku references." This argument is not persuasive because connection bar 126 having two side ends 1264 mounted detachably on upper portion of the main frame 143 see figure 3 of Huang (US 6,352,342). Therefore the claimed invention does not distinguish over the cited arts.

Applicant argued that "Additionally, neither Huang or Ku teach or suggest using auxiliary eyeglasses including an adjacent pair of auxiliary lens rims with auxiliary lenses. Specifically, both the Ku and Huang references disclose auxiliary eyeglasses without rims. Since neither reference teaches the use of auxiliary eyeglasses with rims, no combination of the references teaches or suggests such a feature." This argument is not persuasive although Huang does not teach that the auxiliary eyeglasses including a pair of auxiliary lens rims. Auxiliary eyeglasses have long been designed with the general objective of blocking the sun or other sources of bright light, from one's eyes. Numerous designs of rimless auxiliary eyeglasses and rims auxiliary eyeglasses have been developed, differing only in aesthetic feature. Therefore it would have been obvious to one skilled in the art to make the auxiliary eyeglasses, of the Huang, rimless auxiliary eyeglasses or rims auxiliary eyeglasses for the purpose of providing aesthetic feature.

Applicant argued that "Accordingly, no combination of Huang and Ku teach or suggest an eyeglasses assembly that includes a connection bar mounted detachably on upper portions of the main lens rims and auxiliary eyeglasses including an adjacent pair of auxiliary lens rims with auxiliary lenses, as recited in claim 1."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the purpose of removal of the auxiliary eyeglasses from the main eyeglasses.